



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER  
GOVERNOR

Certified Mail: 7003 1680 0000 6167 5554

August 27, 2008

Mr. Tejinder Maan, Director  
Yuba County Environmental Health  
915 8th Street, Suite 123  
Marysville, California 95901

Dear Mr. Maan:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the Yuba County Environmental Health Certified Unified Program Agency (CUPA) on July 29 and 30, 2008. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Yuba County Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on October 28, 2008.

Cal/EPA also noted during this evaluation that Yuba County Environmental Health has worked to bring about a number of local program innovations, including the CUPA's development of a GIS database in which emergency responders can have 24/7 access to business plan information. In addition, the CUPA conducts free training workshops for UST owners and operators. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

[Original Signed by Don Johnson]

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure

cc/Sent via email:

Mr. Clark Pickell, CUPA Manager  
Yuba County Environmental Health  
915 8th Street, Suite 123  
Marysville, California 95901

Mr. Terry Snyder  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Jack Harrah  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047

Ms. Asha Arora  
Department of Toxic Substances Control  
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Berkeley, California 94710-2721

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Mr. Tejinder Maan  
August 27, 2008  
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cc/Sent via email:

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS**

### **CUPA: Yuba County Environmental Health**

**Evaluation Date: July 29 - 30, 2008**

### **EVALUATION TEAM**

**Cal/EPA: Kareem Taylor**

**SWRCB: Terry Snyder**

**OES: Jack Harrah**

**DTSC: Mark Pear**

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>
<b>1</b>	<p>In some instances, the CUPA does not leave a notice to comply (NTC) with a facility at the conclusion of an inspection. Instead, the CUPA sends a NTC by mail to the facility after completing the inspection. For example:</p> <ul style="list-style-type: none"><li>• Nor Cal Lumber located at 4601 Bernice Avenue in Marysville, Ca was inspected on June 19, 2006, but the NTC was mailed on June 22, 2006.</li><li>• Sierra Foothill Research Center located at 8279 Scott Forbes Road in Browns Valley, CA was inspected on October 27, 2006, but the NTC was mailed on October 30, 2006.</li><li>• United Truck Dismantlers located at 2488 McGowan Parkway in Marysville, CA 95901 was inspected on August 30, 2006, but the NTC was sent by mail on September 12, 2006.</li><li>• Cal Sierra Development located at 4738 Hammonton Road in Marysville, CA was inspected on June 14, 2007, but the NTC was sent by mail on June 18, 2007.</li></ul>	<p>At the conclusion of an inspection, the CUPA will routinely leave a NTC at the facility if minor violations are cited.</p> <p>By October 30, 2008, please submit to Cal/EPA an example of a NTC dated and signed by the owner\operator during the day of inspection.</p>

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	<ul style="list-style-type: none"> <li>Yuba River Moulding located at 3757 Feather River Blvd. in Marysville, CA 95901 was inspected on May 4, 2007, but the NTC was sent by mail on May 14, 2007.</li> <li>Lakeview Petroleum Bulk Plant located at 505 14<sup>th</sup> Street in Marysville, CA 95901 was inspected on November 3, 2006, but the NTC was sent by mail on November 14, 2006.</li> </ul> <p>An authorized representative of the department or local officer or agency authorized to enforce HSC Chapter 6.5 pursuant to subdivision (a) of HSC Section 25180, who, in the course of conducting an inspection of a facility, detects a minor violation of any permit conditions, rule, regulation, standard, or other requirement, shall issue a notice to comply before leaving the site in which the minor violation is alleged to have occurred.</p> <p><b>HSC, Chapter 6.5, Section 25187.8 (a) (DTSC)</b></p>	
2	<p>The CUPA mails the NTC after the inspection and allows 30 days after the date it is mailed for the facility to come back into compliance. For example:</p> <ul style="list-style-type: none"> <li>Nor Cal Lumber located at 4601 Bernice Avenue in Marysville, Ca was inspected on June 19, 2006, but the NTC was mailed on June 22, 2006. The facility was given 30 days from June 22, 2006 to come back into compliance.</li> <li>Sierra Foothill Research Center located at 8279 Scott Forbes Road in Browns Valley, CA was inspected on October 27, 2006, but the NTC was mailed on October 30, 2006. The facility was given 30 days from October 30, 2006 to come back into compliance.</li> <li>United Truck Dismantlers located at 2488 McGowan Parkway in Marysville, CA 95901 was inspected on August 30, 2006, but the NTC was sent by mail on September 12, 2006. The facility was given 30 days from September 12, 2006 to come back into compliance.</li> <li>Cal Sierra Development located at 4738 Hammonton Road in Marysville, CA was inspected on June 14, 2007, but the NTC was sent by mail on June 18, 2007. The facility was given 30 days from June 18, 2007 to come back into</li> </ul>	<p>At the conclusion of an inspection, the CUPA will routinely leave a NTC at the facility if minor violations are cited.</p> <p>By October 30, 2008, please submit to Cal/EPA an example of a NTC dated and signed by the owner/operator during the day of inspection providing 30 days from the date of inspection for the facility to return back to compliance.</p>

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	<p>compliance.</p> <ul style="list-style-type: none"><li>• Yuba River Moulding located at 3757 Feather River Blvd. in Marysville, CA 95901 was inspected on May 4, 2007, but the NTC was sent by mail on May 14, 2007. The facility was given 30 days from May 14, 2007 to come back into compliance.</li><li>• Lakeview Petroleum Bulk Plant located at 505 14<sup>th</sup> Street in Marysville, CA 95901 was inspected on November 3, 2006, but the NTC was sent by mail on November 14, 2006. The facility was given 30 days from November 14, 2006 to come back into compliance.</li></ul> <p>A facility which receives a notice to comply pursuant to subdivision (a) of HSC Section 25187.8(b) shall have not more than 30 days from the date of receipt of the notice to comply in which to achieve compliance with the permit conditions, rule, regulation, standard, or other requirement cited on the notice to comply. Within five working days of achieving, an appropriate person who is an owner or operator of, or and employee at, the facility shall sign the notice to comply and return it to the department representative or to the authorized local officer or agency, as the case may be, which states that the facility has complied with the notice to comply.</p> <p><b>HSC, Chapter 6.5, Section 25187.8 (b) (DTSC)</b></p>	
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**CUPA Representative**

Clark Pickell  
\_\_\_\_\_  
(Print Name)

Original Signed  
\_\_\_\_\_  
(Signature)

**Evaluation Team Leader**

Kareem Taylor  
\_\_\_\_\_  
(Print Name)

Original Signed  
\_\_\_\_\_  
(Signature)

Certified Unified Program Agency (CUPA)  
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**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

*The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.*

1. **Observation:** The CUPA's does not classify violations as Class 1, Class 2, or minor on its business plan inspection report. The classifications used are minor and major. The inspection report for the other unified program elements do classify violations as Class 1, Class 2, or minor.

**Recommendation:** Cal/EPA recommends that the CUPA modify its business plan inspection report so that violations are classified as Class 1, Class 2, or minor. This modification will make the business plan inspection report consistent with the other program element inspection reports.

2. **Observation:** In FY 06/07, the CUPA's local fees collected of \$182,899 funded approximately 71% of its UP costs. The cost to implement Yuba CUPA is approximately \$258,213. The CUPA is planning to send a fee increase proposal to its Board of Supervisors for approval.

**Recommendation:** Cal/EPA recommends that the CUPA increase its fees so that a larger percentage of local fees fund Yuba's unified program.

3. **Observation:** Fourteen business plan files were reviewed at random. The inventories or certifications contained in eleven of them were current to within the past 12 months. Three facilities, with the same operator (Linda County Water Agency), did not have complete inventories, although these facilities did have summary spreadsheets with most of the required information.

**Recommendation:** OES suggests that the CUPA encourage the operator to review the inventories for each facility to ensure that the information is correct. Also, ensure that the operator uses UPCF 2731 or another CUPA-approved form to report inventory information.

4. **Observation:** The CUPA is currently reviewing its draft area plan that is proposed to be finalized in September 2008. For the most part, this draft document is fine. However, upon casual examination, a number of errors were found. The map in Appendix P-6 is a representation of Marin County, not Yuba County. In the header "Emergency Response Procedures" on page 27 of 47, emergency is misspelled. Appendix P-2, required by CCR, Title 19, section 2720, contains a table that was obviously created prior to extensive editing, since the page numbers referenced in the table are off by a page or two in almost every case.

**Recommendation:** The draft document should be carefully proofread before final acceptance by the CUPA. The errors listed above are trivial in nature, but were discovered upon a very brief scan of the document.

5. **Observation:** The CUPA is conducting inspections with a frequency that is consistent with its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has inspected 331 hazardous waste generators that have been identified by the CUPA. The last three annual inspection summary reports indicate the following:

- 285 hazardous waste generators were identified in Fiscal Year 04/05 of which 13 were inspected,

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- 320 hazardous waste generators were identified in Fiscal Year 05/06 of which 217 were inspected, and
- 331 hazardous waste generators were identified in Fiscal Year 06/07 of which 135 were inspected.

The CUPA has inspected all of its known facilities generating hazardous waste over the past three fiscal years. Extraordinary improvement has been made since the last evaluation in implementing the hazardous waste program.

**Recommendation:** Please maintain the achieved hazardous waste generator inspection frequency.

- 6. Observation:** The CUPA was able to demonstrate that approximately 82% of the complaints that were referred by DTSC from July 03, 2005 to July 03, 2008 were investigated and/or documented for referral. Follow-up documentation could be found for Complaint Numbers, 07-0407-0179, 06-0506-0258, and 07-0607-0302, but not for Complaint Number 05-1105-0549.

**Recommendation:** None.

- 7. Observation:** Not all inspection reports have a developed description of a facility's operations occurring on site.

**Recommendation:** DTSC recommends that the CUPA inspectors develop the observational section of the report so that more details of a facility's operations are documented. A detailed observations section is important so that anyone unacquainted with a facility may read the report and gain a better appreciation and understanding of the services provided and the industrial processes occurring at the facility.

- 8. Observation:** The Yuba County CUPA received a complaint about an individual later identified as an employee of a facility pouring a white, frothy liquid from a 55 gallon drum into a drain located in the parking lot of D & D Cabinets. Yuba County inspectors were able to identify the storm drain located in the west parking lot of the facility where the white liquid had been poured. In addition, the inspectors noted a glue-like substance hanging from and surrounding the drain grate. A facility representative responded to the CUPA's request for an immediate clean up of the illegal discharge by having the facility rent a sump pump and collecting the discharge into 55 gallon drums. After almost 3 hours, the facility collected 8 drums of wash out water, which would later be properly characterized, and disposed.

**Recommendation:** While the CUPA oversaw the clean up of the illegal discharge and collected \$896 in fines and penalties, the case should have been formally documented thru an administrative enforcement order.

- 9. Observation:** The CUPA conducted a complete inspection during the oversight on June 25, 2008. Consent was asked, photographs were taken, checklists completed, and the entire facility grounds were inspected.

**Recommendation:** None

- 10. Observation:** The CUPA is not reporting Significant Operational Compliance (SOC) on Report 6 in a manner consistent with federal guidelines. The CUPA is reporting on the degree of



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compliance with the individual SOC requirements when there is a violation and may not find the facility out of SOC.

**Recommendation:** The SWRCB strongly recommends that the agency list a facility not in SOC anytime there is a violation of any of the requirements in the SOC Matrix.

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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA creates “photo essays” of each facility inspected. “Photo essays” are essentially soft facility files that contain a set of digital photos inspectors may reference to obtain historic information about facilities. These photos may be used to verify what is at facility sites and may be important for building enforcement cases.
2. The CUPA is currently developing a GIS database using Yuba County’s GIS system. When completed, the system will provide emergency responders with 24/7 access to business plan information through the use of a secure web portal. The system provides facility locations, contact information, chemical inventories, hazardous waste information, UST and aboveground information using a Yuba County aerial map. A lot of the information can be access by clicking on hyperlinks on the map or on the side menu. The CUPA can even create PDFs of specific information (facility location map, emergency response and contingency plans, monitoring response plans) from the GIS system that can be emailed to emergency responders who may not have access to the GIS system.
3. The CUPA uses an inspection verification form to clearly document owner/operator permission for the CUPA inspection. The form tells the owner/operator that a final inspection report, summary of violations, required corrective actions, and observations will be mailed shortly. The form is usually signed at the conclusion of the inspection, but consent is always requested at the beginning.
4. Business plan inspections observed by OES were thorough and the inspector spent a lot of time ensuring that the operators understood the requirements of the applicable unified program elements. All elements of the business plan were evaluated, with an extensive review of the inventory and site maps. Hazardous waste generator inspections (mostly lubricants) were performed with both the farm and non-agricultural business inspection. The inspector checked on universal waste disposal as well.
5. Fourteen business plan files were reviewed at random. All of these businesses had been inspected within the past three years. The CUPA received a deficiency in the 2005 evaluation because it was not meeting the 3-year inspection requirement for the Business Plan program (31 of 424 businesses in 03-04). Since that time, the CUPA has increased its staff and has performed 60 of 428 business plan inspections in FY 04-05, 360 of 492 business plan inspections in FY 05-06, and 179 of 501 business plan inspections in FY 06-07. This is a tremendous improvement over a short period of time.
6. The CUPA received a deficiency in the 2005 evaluation for not fully implementing the CalARP program. Since that time, the CUPA has participated in a joint inspection of a stationary source with US EPA, has identified two other stationary sources and requested RMPs from them, has established a CalARP dispute resolution procedure, is conducting annual performance audits, and is actively pursuing further advanced training for all staff.
7. The Yuba County CUPA referred a civil complaint to the Yuba County DA concerning Arthur Laurence Cummings’ accumulation of hazardous waste on his property as determined from site sample analysis, in volume and conditions which presented a threat to the public health, safety, and the environment by maintaining a significant hazardous waste release threat and promoting a threat to local watersheds. Elevated and hazardous waste levels of lead, copper, barium, zinc, and dioxin as detected from site sample analysis, were confirmed on the property. An inspection revealed an accumulation of junk and debris found in abandoned, neglected or derelict condition. These items included but were not limited to: scrap metal, scrap wood, wrecked or inoperable vehicles, appliances such as refrigerators and computers, gas cylinders, tanks and metal drums, automotive parts

## Certified Unified Program Agency (CUPA)

### Evaluation Summary of Findings

such as tires and wheels. Containers found on the defendant's property were estimated to contain: 9957 gallons of waste oil, 1628 gallons of gasoline, 55 gallons of TCE, 18 gallons of grease, 1595 gallons of tar, 11 gallons of paint, 77 lead batteries, 2005 used tires, 313 white goods (refrigerators, etc.), 23 cars, 8 trucks, 2 vans, and 16 other vehicles (farm and construction equipment). The defendant entered into a stipulated judgment for cleanup of his property located at 16472 Vierra Road in Rackerby, California on June 19, 2007 with the court retaining jurisdiction of the case and over all parties personally until final performance of the agreement.

**8.** The Yuba County CUPA has developed an informative website providing forms for the UST, HMBP, and Hazardous Waste Programs.

**9.** The Yuba County CUPA issued an administrative enforcement order against P&P Kwiktrip for the following violations:

- Facility failed to document alarms and conduct corrective actions;
- Facility failed to keep the spill buckets and sumps free of liquid debris;
- Facility failed to have required monitoring records on site for review; and
- Facility failed to provide continuous monitoring of diesel sump. Operator silenced or deactivated the alarm at the console without removing the fuel/liquid in the sump causing the alarm. This created a state where the sensor could no longer detect any continued release to the sump from the fueling system. Therefore, there was no continuous monitoring of the diesel sump for the system.

The facility entered into a consent order settling the case for \$2800 on August 22, 2007.

**10.** The CUPA conducted a free workshop on June 30, 2008 for UST owners and operators. The workshop provided training on the UST operating functions required by regulations, what to expect during UST inspections, and how to maintain a compliant UST records binder. The workshop presentations included: 1) UST procedures, 2) business plan and hazardous materials, and 3) hazardous waste management at UST facilities. The CUPA assembled and organized recordkeeping binders with section tabs for each of its UST facilities. The binders contained facility forms, updated Monitoring and Response Plans, and other required documents. The CUPA provided UST owners/operators with required facility documents and blank forms for them to complete and submit and/or file in their binders.

**11.** On UST inspections, the CUPA assists the owners by completing forms or making edits to existing forms on the computer and providing them with copies of the forms and then updating the CUPA files with current documentation. The CUPA charges owners/operators a \$377 fee for assisting them with the forms. Also the CUPA inspectors assist them with filing of alarm records, DO reports, and other required records in their binders.